

# Notice of Allowability

Application No.

10/790,396

Examiner

ILIA OUSPENSKI

Applicant(s)

YANG ET AL.

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1644

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/03/2005.
2. ☒ The allowed claim(s) is/are 69-73 and 75-79, renumbered 1-10.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 5/17/2004.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/17/2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's amendment, filed 08/03/2005, is acknowledged.

Claims 65 – 68, 74, and 80 have been cancelled.

Claims 1 – 64 have been cancelled previously.

Claims 69, 72, 75, and 78 have been amended.

*Claims 69 – 73 and 75 – 79 are pending.*

2. Applicant's submission of copies of documents relating to the absence of co-inventor Sim's signature from the Declaration, originally submitted in parent application 09/646,561, is acknowledged.

3. Applicant is reminded to submit a Supplemental Oath or Declaration signed by co-inventors S. Yang and K. Sellins.

4. Applicant's submission of a copy of IDS, originally submitted on 05/17/2004, and copies of the references, is acknowledged and appreciated. The references have been considered.

5. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided

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by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

6. Authorization for this Examiner's Amendment was given in a telephone interview with Richard J. Stern on 08/17/2005.

***Examiner's Amendment***

**In the Claims:**

7. In claims 69 and 75, the phrase "in the presence of an antigenic peptide" has been deleted.

8. In claim 73, the phrase "fm" has been replaced with -- from -- .

9. In claim 71, claim status identifier has been replaced with -- (Previously presented) -- .

10. An extension of time under 37 C.F.R. § 1.136(a) was required in order to make this Examiner's amendment to place this application in condition for allowance.

During a telephone conversation conducted on 08/17/2005, Richard J. Stern requested a one month extension of time and authorized the Commissioner to charge Deposit Account No. 081930 the required fee for this extension.

***Reasons for Allowance***

11. The following is an Examiner's Statement of Reasons for Allowance:

The Examiner's Amendment set forth supra, in conjunction with Applicant's amendment filed 08/03/2005, have obviated the previous rejection of record, mailed 04/01/2005.

***Claims 69 – 73 and 75 – 79 are pending and allowed.***

The prior art does not teach or suggest the claimed isolated proteins or compositions comprising the same.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ILIA OUSPENSKI whose telephone number is 571-272-2920. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ILIA OUSPENSKI

Patent Examiner

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August 18, 2005

*Phillip Gambel*  
PHILLIP GAMBEL, PH.D  
PRIMARY EXAMINER  
*RECEIVED 1600*  
*8/18/05*

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant gave authorization for Examiner's amendment as set forth in the accompanying Office Action. Applicant further requested a one month extension of time and authorized the Commissioner to charge Deposit Account No. 081930 the required fee for this extension..